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Co-Counsel for Debtors and

Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**DEBTORS' FOURTH
SUPPLEMENT PROVIDING
NOTICE OF ADDITIONAL PROFESSIONALS
UTILIZED IN THE ORDINARY COURSE OF BUSINESS**

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

1. Pursuant to the Court's *Order Granting Debtors' Motion for Entry of an Order Authorizing Employment and Payment of Professionals Utilized in the Ordinary Course of Business* [Docket No. 380] (the "OCP Order"), the Debtors are authorized to employ and retain additional Ordinary Course Professionals not currently listed on Exhibit 1 to the OCP Order (the "Additionally Ordinary Course Professionals") by filing with the Court, and serving on the Notice Parties, a supplement (the "Supplement") listing the name of the Additional Ordinary Course Professional, together with a brief description of the services to be rendered and the applicable monthly fee cap, serving a copy of both the Supplement and the Retention Questionnaire on the Notice Parties (as defined herein), and by otherwise complying with the terms of the OCP Order. Such authorization is effective retroactive to the date of filing the Supplement or the applicable date of engagement. Each Additional Ordinary Course Professional shall file an OCP Declaration within thirty (30) days of the filing of each Supplement.

2. The Debtors hereby supplement the OCP list to add McKool Smith as an Additional Ordinary Course Professional to provide litigation services in accordance with the description and fee caps listed in **Exhibit 1** attached hereto (the "Fourth Supplement").

3. The Debtors will provide notice of this Fourth Supplement in accordance with the terms of the OCP Order to the following parties: (i) Bed Bath & Beyond Inc., 650 Liberty Avenue, Union, New Jersey 07083, Attn: David Kestin (david.kestin@bedbath.com); (ii) Cole Schotz P.C., as co-counsel to the Debtors, Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, Attn: Michael D. Sirota, Esq. (msirota@coleschotz.com), Warren A. Usatine, Esq. (wusatine@coleschotz.com), and Felice R. Yudkin, Esq. (fyudkin@coleschotz.com); (iii) Kirkland & Ellis LLP, as co-counsel to the Debtors, 601 Lexington Avenue, New York, New York 10022, Attn: Joshua A. Sussberg, P.C. (josh.sussberg@kirkland.com), Emily E. Geier, P.C.

(emily.geier@kirkland.com), Derek I. Hunter, Esq. (derek.hunter@kirkland.com); (iv) the United States Trustee for the District of New Jersey, One Newark Center, 1085 Raymond Boulevard, Suite 2100, Newark, New Jersey, 07102, Attn: Fran B. Steele, Esq. (fran.b.steele@usdoj.gov), John Schanne, Esq. (john.schanne@usdoj.gov), and Alexandria Nikolinos, Esq. (alexandria.nikolinos@usdoj.gov); (v) counsel for JPMorgan Chase Bank, N.A., in its capacity as ABL agent under the Debtors' prepetition ABL facility: Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY, 10017, Attn: Adam L. Shpeen, Esq. (adam.shpeen@davispolk.com), Steven Z. Szanzer, Esq. (szanzer@davispolk.com) and Michael Pera, Esq. (michael.pera@davispolk.com); (vi) counsel for Sixth Street Specialty Lending, Inc. in its capacities as FILO agent under the Debtor's prepetition ABL facility and postpetition debtor-in-possession financing facility: Proskauer Rose LLP, Eleven Times Square, New York, NY 10036, Attn: David M. Hillman, Esq. (dhillman@proskauer.com) and Megan R. Volin, Esq. (mvolin@proskauer.com); (vii) counsel to any official committee appointed in these cases (the "Committee"); and (viii) those parties that have filed a notice of appearance and request for service of pleadings in the Chapter 11 Cases pursuant to Bankruptcy Rule 2002 (collectively, the "Notice Parties"). The Debtors submit that, in light of the terms of the OCP Order, no other or further notice need be given.

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Dated: July 5, 2023

/s/ Michael D. Sirota

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EXHIBIT 1

Additional Ordinary Course Professional

Professional (Name & Address)	Type of Service Provided	Monthly Fee Cap if Services are Utilized
McKool Smith One California Plaza 300 South Grand Avenue, Suite 2900 Los Angeles, CA 90071	Legal – BCBS Litigation	\$5,000 cost + Providing Contingency Based Services* ¹

¹ Asterisk denotes contingency fee structure. Professional not subject to a Monthly Fee Cap for amounts paid on a contingency basis.